United Nations A/HRC/36/32

General Assembly

Distr.: General
17 August 2017

Original: English

Human Rights Council
Thirty-sixth session
11-29 September 2017
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights*

Report of the Secretary-General

Summary

The present report includes details on the role and achievements of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia from 1 July 2016 to 30 June 2017.

The period was marked by continuing political tensions and the deterioration of civic space but also by rapid economic growth and gains in poverty reduction. It ended with the communal elections, which took place on 4 June 2017 in a peaceful and orderly manner. OHCHR in Cambodia continued its programme of technical cooperation in vital areas for human rights protection, in particular supporting the right to participate in public affairs and all related fundamental freedoms, strengthening the rule of law and promoting economic, social and cultural rights.

* The present report is being submitted late, in order to allow maximum time for Member States, United Nations agencies and non-governmental organizations to submit relevant information.

GE.17-14201(E)

Please recycle

I. Introduction

1. The present report is submitted to the Human Rights Council pursuant to its resolution 30/23 and contains a description of the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia from 1 July 2016 to 30 June 2017.

2. Originally mandated by Commission on Human Rights resolution 1993/6, the work of OHCHR in Cambodia is guided by a biennial resolution of the Human Rights Council (resolution 30/23), a biennial memorandum of understanding with the Government of Cambodia,[1] the global mandate of the High Commissioner as set out by the General Assembly in its resolution 48/141 and the Vienna Declaration and Programme of Action, emanating from the 1993 World Conference on Human Rights, under the overarching principles of the Charter of the United Nations. It is informed by the conclusions and recommendations of the international human rights mechanisms on Cambodia and the global commitments under the 2030 Agenda for Sustainable Development.

3. The rapid economic growth of Cambodia continued at around 7 per cent during 2016, and almost the same pace was expected for 2017.[2] In 2016, the country graduated to the status of lower middle income country. The multidimensional poverty and human development indices attest to a significant reduction in poverty,[3] although profound challenges remained, including persisting income inequality, an urban/rural divide and vulnerabilities to minor shocks. Around 4.5 million people (over 28 per cent of the population) escaped poverty by only a small margin and were considered "near-poor".[4] Addressing poverty reduction and inclusive growth was identified by the Government in 2017 as one of the main cross-cutting challenges ahead.[5] Together with other members of the United Nations country team, OHCHR had embarked on a "vulnerability study" aiming at supporting the Government in that endeavour.

4. The reporting period saw continuing political tensions coinciding with judicial actions against members of the political opposition. At least 23 judicial actions were brought, reactivated or processed against national and local opposition actors, resulting in 10 new criminal convictions. It was against that backdrop that the twenty-fifth anniversary of the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict (the Paris Peace Accords) was commemorated in October 2016. The Agreements had paved the way for long-term peace in Cambodia and laid the foundations of its Constitution. In its statements on the occasion, the Government reaffirmed its claims to sovereignty, territorial integrity and self-determination, highlighting the suffering in Cambodia caused by war by proxy. Such views were later formalized in a white paper, issued in April 2017,[6] and repeated throughout the reporting period. In their commemorations, civil society organizations emphasized the important provisions in the Agreements pertaining to human rights and democracy and the fragility of democracy in Cambodia due to the effective lack of separation of power among the branches of Government.

5. During the reporting period, OHCHR proceeded with a range of technical cooperation activities with the judiciary, the Supreme Council of Magistracy, the

[1] The current memorandum, signed in December 2016, covers the period from 1 January 2017 to 31 December 2018.

[2] See Asian Development Bank, *Asian Development Outlook 2017: Transcending the Middle-Income Challenge* (April 2017), available from www.adb.org/sites/default/files/publication/237761/ado-2017.pdf, and Cambodia overview as at April 2017 (World Bank), available from www.worldbank.org/en/country/cambodia/overview.

[3] See United Nations Development Programme, *Human Development Report 2016: Human Development for Everyone* (New York, 2016).

[4] See Cambodia overview (footnote 2 above).

[5] See the report of the Technical Working Group Network meeting held in February 2017. Available from www.cdc-crdb.gov.kh/cdc/twg_network/twg_network_february_2017/documents/twgreport.pdf.

[6] See www.mfaic.gov.kh/wp-content/uploads/2017/04/Ministry-of-Foreign-Affair-201704-388.pdf.

governmental Cambodian Human Rights Committee, the Ministry of the Interior, the Ministry of Rural Development and other duty-bearers, both at the national and subnational levels, and with civil society and rights-holders. It continued to work closely with the United Nations system in Cambodia. OHCHR monitored the human rights environment of the communal elections in June 2017, as it has for every election since its establishment in 1993.

II. Protecting the democratic space

6. The reporting period leading to the June elections was marked by numerous human rights concerns with regard to the treatment of opposition political parties, civil society organizations, human rights defenders and the media. Those concerns affected the environment in which OHCHR operated and affected its activities.

7. OHCHR worked with duty-bearers and rights-holders to help protect the democratic space, particularly to enable all Cambodians to exercise meaningfully their right to participate in public affairs. It worked to protect the space for civil society, including human rights organizations. OHCHR focused its activities on promoting the respect for and protection of the rights to freedoms of peaceful assembly, association, opinion and expression, and on the protection of human rights defenders as defined in the 1999 Declaration on Human Rights Defenders.[7]

8. Democratic processes were affected by judicial procedures and other measures targeting members of the political opposition, or those perceived to be opposed to the governing party. The two leaders of the main opposition Cambodia National Rescue Party, Kem Sokha and Sam Rainsy, were summoned, accused or convicted in 10 cases, mostly on defamation and incitement charges. Late in 2016, two other opposition members of parliament were convicted and sentenced, one to 30 months and the other to 7 years of imprisonment. Their parliamentary immunity was never lifted, because they had supposedly been caught in flagrante delicto. Three other opposition members were granted asylum abroad.

9. Following an attempt to arrest Mr. Sokha without warrant in May 2016, he confined himself for nearly seven months in the Cambodia National Rescue Party headquarters to avoid arrest. Having been sentenced to five months' imprisonment in September 2016 for failing to appear as a witness, he was pardoned in December 2016, whereupon he emerged from the party's premises. Meanwhile, from late in 2015, Mr. Rainsy voluntarily remained abroad to avoid arrest. In October 2016, the Council of Ministers instructed the Immigration Department to take all measures necessary to prevent him from re-entering Cambodia, until the instruction was cancelled on 14 June 2017. Early in November 2016, three bodyguards of the Prime Minister involved in the beating of two opposition parliamentarians in 2015 were released after completing one year of a four-year sentence, the other three being suspended. Later that month, they were promoted to the ranks of colonel and one-star general. By contrast, 14 opposition members or supporters were convicted on insurrection charges after exercising their rights to freedom of expression and association by participating in a demonstration in 2014.[8] They were given sentences from 7 to 20 years of imprisonment in 2015, and had their appeals rejected in 2017.

10. Controversial amendments to the Law on Political Parties, containing provisions inconsistent with the country's human rights obligations, were enacted speedily in February 2017, without allowing time for public consultation. The amendments, inter alia, permitted administrative action to be taken to suspend indefinitely the operation of political parties without due process, and prohibited any convicted persons, including those convicted on

[7] Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144, annex).

[8] See A/HRC/33/39, para. 7.

misdemeanour charges,[9] from leading political parties. OHCHR produced and shared with the Government a detailed analysis of the amended law, in the light of international human rights standards.[10] In the wake of its enactment, Mr. Rainsy and other convicted opposition parliamentarians resigned as party leaders to prevent their status from being used to dissolve their party.

11. In April, the Governing Council of the Inter-Parliamentary Union issued a decision on the cases of 15 Cambodian parliamentarians, stating that it remained "deeply concerned" about the "serious violations" to the fundamental freedoms of "a large segment of opposition" parliamentarians, and considered that "they [were] being prevented from effectively carrying out their role as parliamentarians and members of the opposition freely without fear of persecution".[11]

12. The fatal shooting on 10 July 2016 of Kem Ley, a prominent political analyst, social activist and founder of the Grassroots Democratic Party, shocked the country. Among the thousands of people who gathered to publicly mourn his death, many considered the killing to be an assassination and were fearful of further killings. Facing threats, his wife and five children sought asylum abroad. A man was arrested shortly after the shooting and sentenced to life imprisonment in March 2017, amid major doubts regarding the truthfulness of his confession to the murder and declared motive. Another political commentator, Kim Sok, had been held in pretrial detention since February 2017 on charges of incitement and defamation, after allegedly claiming that the Government had been behind the murder.

13. Four staff members of the Cambodian Human Rights and Development Association and the Deputy Secretary-General of the National Election Committee were held in pretrial detention from April 2016 until their release on bail on 29 June 2017. They remained charged with bribery of a witness or complicity therein in relation to one of the criminal cases brought against Mr. Sokha (see A/HRC/33/39, para. 11). In November 2016, the Working Group on Arbitrary Detention ruled in an opinion that their detention was arbitrary, as it constituted a denial of their fundamental freedoms and was in grave breach of their fair trial rights.

14. Civil society protests (the so-called Black Monday gatherings) calling for the immediate release of the above-mentioned staff members of the Cambodian Human Rights and Development Association and the Deputy Secretary-General of the National Election Committee were forcibly dispersed. Tep Vanny, a prominent housing rights activist who had initially taken an active part in the gatherings, had been imprisoned since August 2016, following her conviction on other cases that had been previously brought against her for exercising her right to freedom of expression. In those cases, and others, the State authorities had frequently denounced defendants as trying to foment so-called "colour revolutions".

15. These cases had a serious impact on the broader community of human rights workers and civil society. OHCHR monitored the human rights situation in the pre-electoral environment, including the exercise of and restraints on fundamental freedoms and the growing number of judicial processes. As the year progressed, local opposition figures were increasingly targeted, and human rights workers and/or independent election monitors were accused of bias by the Government.

16. It was in that environment that the fourth communal elections were held on 4 June 2017. High-level officials affirmed the loyalty of the military to the ruling party and warned that violence, even civil war, would erupt should the opposition win or the results of the communal elections be contested. Shortly before polling day, a senior official from the

[9] Article 47, 2009 Criminal Code: a misdemeanour is an offence for which the maximum sentence is more than six days, but no more than five years.

[10] See http://cambodia.ohchr.org/sites/default/files/Analysis%20on%20the%20Amended%20Law%20on%20Political%20Parties%20%28FINAL-EN%29.pdf.

[11] See decision adopted by the Inter-Parliamentary Union Governing Council at its 200th session (Dhaka, April 2017), available from www.ipu.org/hr-e/200/cmbd27.pdf.

Ministry of the Interior warned that some civil society organizations had been under surveillance for illegally aiding the opposition and might be prosecuted after the elections, later acknowledging that this was a threat against such organizations. An investigation into civil society organizations was in fact launched by the Ministry of the Interior on 29 June, upon instruction from the Prime Minister.

17. On polling day, OHCHR conducted human rights monitoring in Phnom Penh and in six provinces across the country. A new voters' list established late in 2016 had been deemed to be over 98 per cent accurate by election monitors, a remarkable improvement from the situation in 2013. Cambodians turned out in exceptionally high numbers (90.37 per cent of registered voters cast their ballots), and, in contrast to previous elections, no voters claimed that they had been kept from voting. The voting took place peacefully. Preliminary results, which were accepted by all parties, reflected the continued dominance of the ruling party but also significant gains by the opposition. Few complaints were lodged and all were addressed, and the final results were announced on 25 June.

18. Throughout the year, OHCHR observed a total of 113 cases related to harassment or threats, arbitrary arrest and detention, violations of physical integrity and killing, impunity, and violations of fundamental freedoms. It supported the implementation of those recommendations made as part of the universal periodic review process that Cambodia had accepted on ensuring "full respect, in law and in practice, for the freedoms of peaceful assembly and of association, consistent with international law". While no reports were received of sanctions being applied to date under the 2015 Law on Associations and Non-Governmental Organizations, meetings with civil society partners and visits to subnational government counterparts confirmed instances of authorities misapplying the Law and demanding from organizations information or actions not legally required. Such demands included frequent activity reports, requests for prior notification or authorization for conducting fieldwork, or the filing of financial reports at the subnational level.

19. The exercise of the constitutionally guaranteed rights to freedom of expression and peaceful assembly continued to be restricted. In addition to the forced dispersal of "Black Monday" gatherings, gatherings to mark international commemorative days were repeatedly blocked. On 10 October 2016, a peaceful march to mark World Habitat Day was violently repressed. OHCHR responded to the high demand among rights-holders for capacity-building to comply with the 2009 Law on Peaceful Demonstrations, including through the wide dissemination of the law and its implementation guide. OHCHR led or contributed to nine training workshops on the law, reaching 332 members of civil society and community-based organizations, monks and journalists (including 78 women) from 16 provinces, and produced an educational video on the law.

20. In November 2016, following the promulgation in May of the controversial Trade Unions Law, OHCHR co-hosted a symposium on the six-month review of the Law, at which 129 representatives of employers' associations and trade unions, the International Labour Organization (ILO) and diplomatic representations discussed challenges and recommendations towards improved compliance with relevant international obligations. In December 2016, the ILO Committee of Experts adopted an observation and a direct request on the application of ILO Convention (No. 87) concerning freedom of association and protection of the right to organize, highlighting compliance gaps.

21. The Government initiated draft laws on minimum wage determination and on labour dispute trial procedures. OHCHR prepared a human rights analysis of the former. The current draft could severely restrict legitimate activities and the exercise of fundamental freedoms of unions and other civil society organizations, academics and the media by banning "objections" to the set wage and prohibiting independent research on the issue. Other important draft laws with potentially significant human rights impacts were in various stages of preparation, including some developed in closed processes, such as the draft cybercrime law and the legislation on State secrets. OHCHR was actively involved in the open and consultative drafting process for the law on access to information, which had been led since 2014 by the Ministry of Information with support from the United Nations Educational, Scientific and Cultural Organization (UNESCO). OHCHR participated in the drafting technical working group and contributed to a series of training sessions and nationwide community forums to promote civic engagement in the process.

22. In October 2016, OHCHR joined governmental commemorations of the twenty-fifth anniversary of the Paris Peace Agreements and supported regional and national civil society events. Much of the focus was on the vision of the Agreements that the promotion and protection of human rights and fundamental freedoms were integral to ensuring lasting peace. In March 2017, the Office held a public national conference entitled "Human Rights in Cambodia Today", co-hosted with the governmental Cambodian Human Rights Committee. It brought together 184 participants from the Government, civil society and the general public, along with embassies, United Nations entities and the media. OHCHR organized a meeting of around 30 local community and other activists from across the country and a representative of the governmental National Committee for Subnational Democratic Development. Participants were able to directly share with the representative from that Committee the challenges they faced, request the assistance of the Committee and learn about the decentralization process.

23. OHCHR continued to help strengthen the human rights capacity of Cambodian civil society organizations. It conducted four training sessions on the methodology for human rights monitoring, fact-finding and reporting, and security and protection, for 168 activists (including 50 women) from 15 provinces. Participants appreciated the relevance of the training in their daily work, in particular the importance of verifying information, analysing facts, systematically documenting and being aware of risks. OHCHR was invited by several partners to deliver specialized sessions within broader training courses led by those organizations, for instance on basic human rights concepts, monitoring, safety or the right to privacy, reaching 118 activists, including 24 women.

24. Responding to a request from the National Election Committee for assistance in increasing awareness of the voting process, especially among young people, the Office supported a series of briefings at universities and educational institutions that included a focus on the rights to vote and participate in public affairs. After being approached by the Committee for assistance with its long-term Civic Education Programme (particularly for high school students), OHCHR reached out to the Ministry of Education, Youth and Sport with a view to integrating such content in the official school curriculum. OHCHR held meetings with the Committee and the Ministry and fielded short-term expertise to review human rights and citizenship education in Cambodia and to provide feedback and recommendations.

III. Promoting the rule of law

25. OHCHR continued to support the legal and judicial reform process to strengthen the rule of law and to work actively with the Ministry of Justice, the Supreme Council of Magistracy, judges and prosecutors at all levels, and lawyers, among others. Work advanced on several agreed areas, notably with regard to the organization of the courts, alternative sentencing and communication within the justice system. The Government budget for the justice sector in 2017 continued to increase from previous years, although it remained below 1 per cent of the national budget.

26. The pre-electoral developments demonstrated a number of structural deficiencies in the law enforcement and judicial institutions that had long been highlighted by the international human rights mechanisms, including lack of independence and procedural guarantees, weak evidentiary basis for convictions and persisting impunity. OHCHR continued to prioritize those challenges in its technical support for the legal and judicial reform programme of the Government.

27. At the policy-making level, OHCHR continued to serve as the donor partner facilitator of the technical working group on legal and judicial reform, through which the Government and donors coordinated international assistance and exchange on policy directions. OHCHR worked with the Ministry of Justice, which served as the governmental chair of the working group, in assessing the implementation of the joint monitoring indicators for the period 2014-2016 and in defining new ones for 2017-2018. As part of the efforts by the Government to "localize" the Sustainable Development Goals, the working

group integrated nearly all the targets and indicators for Goal 16 on justice, peace and human rights in its own work plan.

28. The legislative framework was strengthened with the enactment in July 2016 of the long-awaited Juvenile Justice Law. The Law establishes a separate system that focuses on diversion programmes rather than punishment. OHCHR, with others, provided technical assistance to the working group on the implementation of the law with respect to its three-year plan. OHCHR followed the drafting process of whistle-blower and witness protection legislation led by the Anti-Corruption Unit, liaising with the Witness and Expert Support Unit of the Extraordinary Chambers in the Courts of Cambodia.

29. The Ministry of Justice continued to implement the three "fundamental laws" on the judiciary, issuing three subdecrees on the Law on the Organization of the Courts and taking steps toward drafting the laws on notaries, bailiffs and clerks. It recruited additional staff for the General Department of Court Administration and the court administration secretariats. OHCHR supported the improvement of case management and access to court information by court "clients" and the general public, by further expanding the criminal case database in five courts of first instance, in addition to the six courts where it was rolled out in 2015. A joint assessment of its usage in three courts found generally positive results in enhancing court transparency and efficiency, notwithstanding some obstacles on its usage and maintenance. New modules are being added to track information on persons with disabilities, violence against women, human and drug trafficking. After covering half of all provinces by the end of 2017, OHCHR will continue to support installation of the database in all courts.

30. In August, OHCHR and the Supreme Council of Magistracy organized the last of a series of workshops to disseminate the 2007 Code of Ethics for Judges and Prosecutors, which started early in 2016 and benefited more than 90 per cent of judges and prosecutors at all 25 lower and higher courts. Together with the Raoul Wallenberg Institute and the Royal Academy for Judicial Professions, OHCHR provided training sessions to approximately 100 trainee judges and court clerks on fair trial rights, relying inter alia on the second edition of the Annotated Code of Criminal Procedure produced in 2015.

31. OHCHR, the Ministry of Justice and the Supreme Council of Magistracy conducted follow-up visits to five provincial courts to assess the use of the 2014 improved pretrial detention form. Increased knowledge and use of the form among judges was observed. Though still resisted by some judges, the form has resulted in the inclusion of sound legal reasoning and a clear duration of detention in some cases. Given that evidentiary analysis is central to the quality of legal reasoning in criminal matters, OHCHR — under its Extraordinary Chambers in the Courts of Cambodia legacy programme and as part of the Legal Dialogue Series implemented jointly with the national Bar association — implemented two activities to strengthen lawyers' evidence analysis, legal reasoning for pretrial detention, questioning techniques and the use of international human rights standards in domestic courts. This was also examined during the Legacy Update Meeting on the Extraordinary Chambers in the Courts of Cambodia, held by OHCHR in February 2017.

32. Another key tool for the delivery of justice is the availability of legal aid. The national legal aid budget tripled between 2013 and 2017 but at $150,000 it remains insufficient for a country where nearly half of the population lives below or just above the poverty line.[12] OHCHR, with the Ministry of Justice and the South East Asia Legal Aid network, prepared a workshop on regional best practices in the development of legal aid policies, scheduled to be delivered in August 2017. To help address immediate needs, OHCHR provided a new grant to a non-governmental organization (NGO) partner to assist identified categories of prisoners until a final judgment could be implemented,[13] and help clear the appeals backlog. Of the 191 priority appeal cases identified in five prisons, 10

[12] See paragraph 3.

[13] A person may only be released upon receiving a final judgment. As such, those who have been acquitted but have an appeal pending against them remain in detention.

judgments had been obtained and shared with the prisoners, 14 cases were closed, including 1 acquittal, and trial dates were set for 11 cases.

33. The above cases had brought to light once again the need to improve communication within the criminal justice system. At the local level, OHCHR continued to support regular meetings among police, court and prison officials. Between September 2016 and May 2017, it supported four meetings in three provinces, at which those key officials discussed the challenges faced in their daily work, areas where stronger cooperation was needed and possible solutions to improve the delivery of justice at their level.

34. Also at the subnational level, OHCHR followed up on training conducted in 2015 for provincial police and gendarme officers on the prevention of torture and ill-treatment and use of force by law enforcement officials. In close cooperation with the provincial prosecutor's office, follow-up human rights briefings were conducted for over 460 district level law enforcement officers in Prey Veng Province. They proved a rare opportunity for the district officers to directly exchange with prosecution officials in their oversight role over judicial police.

35. Impunity remained an obstacle for the full respect of human rights in Cambodia, which led to a persistent distrust in the justice system and created conditions for parallel solutions, such as out-of-court financial settlement in criminal cases or vigilante actions. OHCHR continued to monitor individual cases and engage with the families of victims and the local authorities. It observed how the family of a victim in a situation of vulnerability may feel that the best outcome was financial compensation in return for an agreement to either not file or to withdraw a formal complaint. Although the 2007 Criminal Procedure Code did not require a complaint for a criminal investigation to be initiated, once a complaint was dropped, the cases usually ended there, even in serious criminal matters. OHCHR continued to advocate with the judicial authorities that all cases should be adequately investigated and perpetrators brought to court.

36. OHCHR monitored a series of cases of "mob justice" involving a variety of alleged offences, ranging from petty theft, robberies, to rape or murder, and accusations of witchcraft. In many cases, police and local authorities dismissed such mob actions as "expressions of anger" or "acts of revenge", resulting in few investigations and little accountability of the individuals involved. Often, the police would investigate the action that led to the mob reaction (e.g. a theft) but not the resulting homicide, considered at times to be justified. In some cases, the police felt they could not safely intervene as they were outnumbered by villagers. OHCHR had received requests from local police at the commune and district levels to raise villagers' awareness about human rights and due process to help prevent mob killings.

37. OHCHR continued to follow closely the work of the Extraordinary Chambers in the Courts of Cambodia, considering the good practices of the Courts for promotion in the domestic court system. OHCHR continued to organize meetings on the legacy of the Chambers among all interested actors, and has reflected a number of the proposals emanating from them in its joint work with the Ministry of Justice, as outlined above.

IV. Supporting prison reform

38. Close collaboration continued with the General Department of Prisons of the Ministry of the Interior and the Police Academy of Cambodia, to support rights-based prison reform and management. During the reporting period, the Ministry, Academy, General Department of Prisons and local prisons underwent various restructuring and leadership changes. The structure of the current mechanism established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also underwent a review, with the development of a new decree on the establishment of the mechanism that would repeal the current subdecree once finalized. The mechanism at present does not provide for independent monitoring and thus falls short of the requirements under the Protocol.

39. The authorization by the General Department of Prisons to allow OHCHR to conduct prison visits, which was only extended for the first half of 2017, regrettably retained the condition imposed by the Department in 2016 prohibiting OHCHR from holding confidential interviews. Until December 2015, the authorizations had been mostly granted to OHCHR annually and always allowed for confidential interviews. Full confidential access to detainees by OHCHR is essential not only for the quality and safety of its interaction with prisoners but also for the design, implementation and monitoring of the impact of its longstanding support to the prison authorities. Access to five high-profile human rights defenders (mentioned above) was further restricted by judicial authorities.

40. The OHCHR prison programme is based on two broad components: monitoring and follow-up support to necessary remedial actions, and prison staff capacity-building towards a rights-based approach to prison management. OHCHR conducted 32 visits to 13 prisons during the reporting period. After each visit, it raised recommendations with the local prison management and some issues common to several prisons were addressed to higher levels of decision makers.

41. To help improve conditions and treatment, OHCHR actively participated in coordination meetings with other actors working in prisons and was producing a directory of referral services. It widely disseminated two educational posters on rights in prison and on prison visits co-produced with the General Department of Prisons and an NGO partner, and responded favourably to a request by the prison authorities to produce the same information in leaflet format for systematic distribution to prisoners upon admission. To allow sick prisoners to receive medical care at hospitals without need for restraints, OHCHR worked with national and provincial health and prison authorities to install security features in two hospital rooms in Pailin province, and continued to engage in two other provinces to seek similar arrangements.

42. Jointly with the International Committee of the Red Cross and the United Nations Office for Project Services (UNOPS), OHCHR advocated for the finalization of long-awaited secondary legislation on minimum standards for prison construction and renovation, which had been foreseen in the 2011 Prison Law. The Office met and shared material with the General Department of Prisons, including comments on the initial drafts of the sublegislation and the UNOPS technical guidelines on prison planning. Requests for material support during the year continued to demonstrate the need for better prison design from inception and for increased budget allocations. A six-month campaign against illicit drugs launched in January 2017 led to a sharp increase in the prison population,[14] in a system that had already been over capacity, putting strain on all the facilities and seriously affecting prisoners' living conditions and mental health, as well as the working environment of the prison personnel.

43. Communication and coordination between the prisons and the other justice actors are essential to protect prisoners' rights. As at mid-April 2017, only 26 per cent of prisoners were serving a final sentence. Through a legal aid grant for prisoners pending appeal (see paragraph 31), based on the priority cases identified in close cooperation with registry officers, OHCHR secured the release of five prisoners held beyond term. Progress toward improving the case-management database of prisoners, which began in 2015 to enable prison management to better track time limits in all processes affecting prisoners, faced technical delays.

44. OHCHR continued to collaborate with the core trainers from the General Department of Prisons and the Professional Training Centre for Prison Officials of the Police Academy to improve training of prison personnel. In that regard, OHCHR co-organized four joint study visits to six prisons for 140 basic trainees and their 20 trainers. The visits allowed them to contextualize their learning in real prison environments. In February and June 2017, OHCHR delivered lectures on the prevention of torture and on human rights-based approaches to prison management for 89 new recruits and untrained prison staff. OHCHR co-organized a two-day technical review on the draft curriculum with

[14] From January to April 2017, the prison population increased by 3,206, or three times the increase from January to April 2016.

all trainers in September 2016. In May 2017, the Academy trainers submitted to their board their revised training modules for approval. The revised modules had yet to be shared with OHCHR, which was therefore unable to assess the extent to which the human rights content had improved.

V. Protecting economic and social rights

45. OHCHR worked to help protect and promote the rights to adequate housing and to an adequate standard of living. It also worked to prevent forced evictions and relocations, promote tenure security and gain a better understanding of the role of businesses in respecting human rights, including with regard to indigenous communities.

46. In June 2016, when the German cooperation agency Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) stepped down from its role as donor partner facilitator of the technical working group on land, the donors nominated OHCHR to assume the role, subject to approval by the governmental Chair of the group, namely, the Ministry of Land Management, Urban Planning and Construction. In 2017, the Ministry decided to discontinue the group, whereupon its former members from among donor partners and NGOs established a group on land sector coordination. Through that forum and in other ways, OHCHR continued to collaborate extensively with civil society partners in the area of land rights, and to offer support to the Government towards fulfilling the country's national and international human rights obligations.

47. The Government made steady progress in its land titling programmes. With approximately 4.45 million titles delivered as of January 2017,[15] representing 63.6 per cent of the country's estimated 7 million parcels of land, the Government was on track to achieve its target of 70 per cent of land titled by the end of 2018. The Ministry of Land Management, Urban Planning and Construction established several ad hoc mechanisms and procedures to resolve outstanding land issues, although statistics on the number of active disputes remained unclear, creating challenges for sustaining efforts by the Government and NGOs to bring the cases to closure for the communities concerned. Among other mechanisms, the Ministry created 36 working groups to address land disputes countrywide. OHCHR offered to support the work of those groups dealing with cases it monitors; a response from the authorities remained pending. During the reporting period, OHCHR monitored 67 ongoing and unresolved land disputes in rural and urban areas, as well as three new cases. Of those, 22 disputes were related to economic and other land concessions granted by the Government, while 45 related to other land transactions. OHCHR followed up on those cases through field visits, the facilitation of dialogue among the parties in dispute, trial monitoring and by providing communities and civil society organizations with legal and procedural advice. Three cases were considered closed by May 2017.

48. In the early 2010s, OHCHR conducted an assessment of selected resettlement sites in urban and rural areas, leading to the release in 2012 of the results of a study conducted to examine the human costs and impacts of, and explore solutions to, eviction and resettlement in Cambodia.[16] To assess the changes seen since then, on the basis of national and international standards and the numerous recommendations of the international human rights mechanisms, OHCHR embarked on a follow-up study in 2017. It engaged with the Ministry of Land Management, Urban Planning and Construction, offering to collaborate closely with the relevant officers in the research and requesting in particular an official list of resettlement sites, as there were gaps in information available to the public, which varied among the different organizations working in the sector.

49. In February 2016, the Government announced the completion of the comprehensive review of the country's economic land concessions launched in 2014, pledging to transfer nearly 1 million hectares of reappropriated land to poor families. According to information

[15] Annual report of the Ministry of Land Management, Urban Planning and Construction, January 2017.

[16] OHCHR, *Eviction and Resettlement in Cambodia: Human Cost, Impacts and Solutions* (Phnom Penh 2012). Available from http://cambodia.ohchr.org/sites/default/files/Thematic-reports/Resettlement_Study-28_Feb_2012_Eng.pdf.

available to the public, a total of 230 concessions, under the responsibility of the Ministry of Agriculture, Forestry and Fisheries or the Ministry of Environment, had been reviewed. The lack of precise information, however, such as the geospatial coordinates of land excised from each concessions or the identity of the State institutions responsible for managing the excised land, made follow-up difficult.

50. OHCHR has considered how best to support resolution of the human rights concerns by all relevant stakeholders, including the affected communities. As a result, a non-governmental open source organization, Open Development Cambodia, produced an analysis of cancelled and downsized economic land concessions, using data generated from its assiduous tracking of government data and legal documents obtained with support from OHCHR. From the 257 concessions recorded in its database, the organization found that, as at January 2017, 32 had been revoked, 134 had no evidence of adjustment, 4 had been downsized after being revoked and another 87 had been downsized.

51. OHCHR facilitated a follow-up meeting to discuss, complement and validate the Open Development Cambodia figures, which it subsequently submitted in March to the Ministry of Agriculture, Forestry and Fisheries, suggesting to contrast them with its own figures and requesting information on the reallocation of excised land. According to the response of the Ministry, received in May, there were 229 companies with economic land concessions covering a total land area of 1.53 million hectares in 18 provinces. Figures were provided on the surface cleared or planted, roads constructed or employment generated. Information was not provided on the location and size of the downsized or revoked concessions or on the process of land redistribution.

52. In 2016 OHCHR carried out a human rights assessment of six social land concessions across Cambodia. A draft report was finalized early in 2017 and tabled for review at a national consultation held in February, attended by representatives from the Ministries of Land Management, Interior, Rural Development and Women's Affairs, subnational authorities and community representatives from the six provinces, as well as NGOs and development partners in the sector. Comments and inputs from the consultation were integrated in a newer draft to be finalized for publication later in 2017.

53. In May, OHCHR awarded a grant to Open Development Cambodia to compile legal and other public information on social land concessions and create an interactive map online. Some concessions had been locked in longstanding disputes since inception, as the land granted as concession was already occupied. Complaints received through NGO partners revealed a risk of repetition in a new project on social land concessions planned by the World Bank. Maps and analysis produced by the Operational Satellite Applications Programme (UNOSAT) demonstrated that the land had been used and developed over the past 30 years. The information was shared with the World Bank to help it review the target areas.

54. Domestic and foreign direct investment had been a key driver of the sustained economic growth of Cambodia and its graduation to the status of lower middle income country. It was also associated with many violations of the rights of local communities. OHCHR continued its efforts to enhance understanding of the Guiding Principles on Business and Human Rights and their application in Cambodia, working directly with not only businesses and their associations, but also national and subnational authorities, civil society organizations, the media and community representatives, including those of indigenous peoples. OHCHR organized, contributed to or delivered seminars, consultations and training sessions attended by 359 stakeholders throughout Cambodia on the subject. It supported capacity-building activities to improve access to and use by civil society and communities of non-judicial mechanisms to address business-related human rights impacts at the operational, national and international levels.

55. In that regard, OHCHR continued its engagement with a European rubber company — a beneficiary of economic land concession land in Mondulkiri Province — to support negotiations between itself and the affected indigenous communities, as well as a tripartite process of dialogue (adding the local authorities) set up at the initiative of local stakeholders. With the negotiation skills of indigenous representatives strengthened by OHCHR-organized training, compensation agreements were being finalized as at June 2017

concerning one sacred site, and clear and time-bound commitments had been made by the company to review all pending land claims. Three multi-stakeholder meetings involving indigenous representatives, local authorities, representatives from several concessionaires, NGOs, the United Nations and development agencies had been organized to review the progress made.

56. OHCHR continued to work with the three ministries involved in the approval process for communal land titles for indigenous peoples (the Ministries of Rural Development, Interior and Land Management, Urban Planning and Construction), subnational authorities and civil society organizations to support indigenous peoples to apply for those titles, which was a key way for them to claim and defend their rights. While the possibility for indigenous peoples to legally own land communally according to their customs and traditions sets a positive example in Asia and beyond, the pace of the legally and administratively complex, lengthy and expensive process meant that only 14 communities had received such titles as at June 2017. At the request of the Minister for Rural Development, OHCHR engaged in an assessment of how the process could be streamlined and made more accessible and affordable to indigenous communities. On the basis of visits to Tompoun, Kaveth, Suoi, Bunong, Stieng, Kuoy, Chong and Por indigenous communities in 11 provinces, and in consultation with the 3 ministries and with indigenous peoples' organizations, it prepared a discussion paper that would be tabled for consultation later in 2017.

57. OHCHR continued to collaborate with the Ministry of Rural Development and the Koh Kong provincial authorities to finalize the registration of eight indigenous Chong communities in Areng Valley, the site of a high-profile land dispute in recent years. From May 2017, it embarked on a similar collaboration with the Ministry and the Kratie provincial authorities to support a Bunong indigenous community embroiled in a high-profile land dispute in Snuol district. It commissioned a video to explain the procedure of this first step of the communal land title process for use in future training. In October 2016, it co-delivered to a total of 100 local officials the first two of a series of regional training sessions for subnational authorities with the Ministry of Rural Development.

58. Communal land titles were intended to provide permanent tenure security for an entire community and to help preserve its identity and integrity, as the land under those titles can only be sold to fellow community members. This provides protection but also prevents using the title as collateral for loans, which can prevent access to bank financing for titled communities and hinder their economic development. To explore this issue, OHCHR initiated an in-depth survey of some of the 14 communities that had received communal land titles, to compare, among other things, their level of access to finance to that of typical Khmer villagers.

59. OHCHR continued to contribute to the development of the legal and policy framework regulating the land sector and the management of natural resources. It participated in consultations on the draft environmental code led by the Ministry of the Environment, as well as on the draft law on agricultural land, led by the Ministry of Agriculture, Forestry and Fisheries, and provided advice on harmonizing both drafts in accordance with international human rights standards. A number of inputs from OHCHR were reflected to some extent in the latest version of the draft environmental code as at May 2017, in particular on the human rights principles on free, prior and informed consent, and on resettlement, public participation and access to information. OHCHR also supported a subnational consultation on the draft guidelines on public participation in the environmental impact assessment process, facilitating the participation of indigenous peoples' representatives in particular.

60. OHCHR continued to promote women's rights to land, tenure security, adequate housing and interconnected economic, social and cultural rights. In February 2017, OHCHR and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) jointly organized a training on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women for 23 women from grass-roots groups working to support vulnerable women in the areas of civil, political, economic and social rights.

VI. Human rights information and communication

61. OHCHR continued its extensive outreach and communication work, using a variety of media forms. OHCHR publishes in Khmer a broad range of human rights material. During the year, it distributed over 67,000 publications to government institutions, as well as universities, civil society organizations, individuals, United Nations entities and other organizations. It continued its popular "open-door Fridays", enabling members of the general public to come and collect publications of interest, free of charge. OHCHR uses Facebook and Twitter to disseminate information about human rights developments, its activities and information from the international human rights mechanisms of relevance to Cambodia. Since July 2016, its Facebook followers had increased by a third, reaching 7,820 people. Its bilingual website had attracted over 10,000 visitors.

62. OHCHR expanded its audio-video work. It translated into Khmer the most recent three videos from the global OHCHR "UN Free & Equal" campaign in support of the rights of lesbian, gay, bisexual, transgender and intersex persons and produced an educational clip on the Law on Peaceful Demonstrations. Its "Human Rights 365" radio programme consisted of eight interactive radio talk-shows on a variety of topics with guest speakers from Government, civil society organizations, businesses, United Nations entities and other experts. OHCHR also participated in radio programmes organized by partner NGOs. It produced in the Bunong and Jarai indigenous languages its interactive voice response application on the "protect, respect and remedy" business and human rights framework, launched in Khmer last year.

63. The Office commemorated key international days, including the International Day of the World's Indigenous Peoples, the 16 days of activism to end violence against women, United Nations Day, Human Rights Day, Labour Day, World Press Freedom Day and the International Day against Homophobia, Transphobia and Biphobia. OHCHR organized or participated in events led by local and national authorities, the United Nations, other development partners and civil society organizations, distributed promotional and informational material and contributed opinion pieces to increase public awareness. For Human Rights Day, OHCHR organized an online quiz competition through its Facebook page, which reached over 334,000 users.

VII. Supporting engagement with the international human rights mechanisms

64. Raising awareness about the human rights standards and mechanisms is a core function of OHCHR. The Office continued to promote the ratification by Cambodia of treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is particularly relevant for the country given its large and vulnerable migrant population in neighbouring countries and beyond.

65. In January 2017, Cambodia presented a follow-up report to the 2015 concluding observations of the Human Rights Committee (CCPR/C/KHM/CO/2), focusing on the recommendations related to extrajudicial killings, prevention of torture and freedom of expression. The overdue reports to the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances, as well as the response to the list of issues of the Committee against Torture, had not yet been presented. OHCHR continued its technical support to the Cambodian Human Rights Committee, the Disability Action Council and the Cambodian National Council on Children on reporting requirements. With the support of the treaty body capacity-building programme, OHCHR initiated a series of training sessions in May 2017, together with the Cambodian Human Rights Committee, aimed at increasing the capacity of the officials involved in drafting reports to treaty bodies.

66. OHCHR followed up with the Ministry of the Interior on the reports of two visits by the Subcommittee on the Prevention of Torture and the draft royal decree on the national

preventive mechanism, which would update the current subdecree. As analysed by OHCHR, the new draft fails to ensure the independence of the mechanism from the authorities that it would be mandated to monitor.

67. To strengthen the practical implementation of the Convention on the Rights of Persons with Disabilities, OHCHR supported training by the Disability Action Council of its local officials in Kampot province. It was the first of a planned training series for local officials and provided an opportunity for OHCHR to see how the training-of-trainers it had provided earlier to the Council was reflected in the latter's training programmes.

68. OHCHR updated its bilingual publication compiling the recommendations from the universal periodic reviews on Cambodia, treaty body reviews and the special procedures, integrating references to the Sustainable Development Goals.

69. OHCHR supported the third visit of the Special Rapporteur on the situation of human rights in Cambodia (10-19 October 2016), who continued to focus on specific types of discrimination while reviewing the prevailing human rights situation.

70. OHCHR supported academic visits of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, in December 2016, and the Special Rapporteur on the situation of human rights defenders, in May 2017. OHCHR continued to translate and disseminate widely the reports, guidelines and other tools developed by the special procedures as relevant to Cambodia, and most recently translated into Khmer the 10 principles for the proper management assemblies of the Special Rapporteur on the rights to freedom of peaceful assembly and of association[17] and his 2013 report to the General Assembly on the exercise of those rights in the context of elections.[18]

VIII. Mainstreaming human rights within the United Nations framework

71. The coordination of human rights promotion and protection activities throughout the United Nations system is a core responsibility of OHCHR. Since its creation in 2014, OHCHR has chaired the Human Rights Theme Group, an active group comprising 13 members of the United Nations country team who come together in bi-monthly meetings to review emerging human rights concerns, facilitate inter-agency initiatives to address them, disseminate information from the international human rights mechanisms and respond to requests for input from regional and global human rights initiatives.

72. Following the 2015 national conference on persons in street situations,[19] the Human Rights Theme Group continued to coordinate inter-agency visits to the main social affairs centre in Phnom Penh. As in prisons, overcrowding significantly worsened as a consequence of the anti-drug campaign. The technical working group on persons in street situations created in the wake of the 2015 conference, chaired by the Ministry of Social Affairs, Veterans and Youth Rehabilitation, and intended to bring together government authorities, United Nations agencies and social work NGOs, was not convened for over a year. The United Nations country team remained seized of the issues across its different mandates, in addition to extant concerns relating to the care of children, treatment of persons living with AIDS and harm reduction efforts, concerns about mental health and psychosocial care took more prominence with an announced plan to open a centre for persons with psychosocial disabilities, the details of which were yet to be disclosed.

[17] See www.ohchr.org/Documents/Issues/FAssociation/10PrinciplesProperManagementAssemblies.pdf.
[18] A/68/299.
[19] See A/HRC/33/39, para. 80.

71. The United Nations Development Assistance Framework for 2016-2018 entered its second year. As co-chair with UN-Women of the Framework pillar on "governance and human rights", OHCHR oversaw the development and implementation of the Framework annual workplans and the reporting at the Joint Annual Review with the Government in March 2017.